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Attorney for Plaintiff Amelia Euceda

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMELIA EUCEDA
as an individual Successor in interest to
Jesus Noe Maldonado, decedent,

Plaintiff,

v.

PELICAN BAY STATE PRISON,
RICHARD KIRKLAND, WARDEN
AND MAUREEN McCLEAN ,

Defendants.

C 06-1411 PJH

STIPULATION TO CONTINUE EXPERT
DISCOVERY CUTOFF DATES
AND ORDER

Judge: The Honorable Phyllis J. Hamilton

THE PARTIES THROUGH THEIR UNDERSIGNED COUNSEL, STIPULATE AND
AGREE AS FOLLOWS:

Trial in this matter is currently scheduled to begin on October 22, 2007, and the Court originally ordered that the parties disclose experts on February 15, 2007. At that time, the expert-discovery cutoff was set for March 19, 2007, and the non-expert-discovery cutoff was set for March 19, 2007. The parties then agreed and were granted a continuance of the above referenced discovery dates. The dates for disclosure of expert witnesses were continued until

Stipulation to Continue Expert Discovery

Euceda v. Kirkland, et al.
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1 March 23, 2007, and the expert discovery cutoff and the non-expert discovery cutoff dates were
 2 continued until April 23, 2007. The parties again agreed to continue the above-referenced
 3 discovery dates for thirty-five days, in order to allow the parties additional time to evaluate their
 4 cases and explore the possibility of a settlement agreement or dispositive motions. To date,
 5 neither has party submitted expert reports.

6 Defendants electronically filed their motion for summary judgment and served Plaintiff by
 7 mail on April 23, 2007. Plaintiff received Defendants' motion on April 25, 2007 and agrees that
 8 mailed service was adequate notice in this case. The Court has set the hearing date for
 9 dispositive motions on May 30, 2007.

10 Given the pending motion for summary judgment, the parties have agreed to continue the
 11 dates for disclosure of expert witnesses and depositions until after the Court's decision on
 12 Defendants' motion for summary judgment.

13 THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

14 (1) A continuance of the deadlines for non-expert discovery, expert disclosure, and
 15 depositions of expert witnesses is in the best interests of the parties;

16 (2) Subject to further agreement by the parties or order of this Court, the date for
 17 disclosure of expert witnesses is continued until after the Court decides the pending motion for
 18 summary judgment. At that time, the parties will set the expert discovery cutoff dates, submit
 19 expert reports and schedule expert depositions. The parties estimate that expert discovery could
 20 be completed within a six-week time frame.

21 Dated: April 26, 2007

22 EDMUND G. BROWN JR.
 23 Attorney General of the State of California

24 By: /s/ Virginia I. Papan
 25 VIRGINIA I. PAPAN
 26 Deputy Attorney General
 27 Attorneys for Defendants
 28 Maureen McLean and Richard Kirkland

1 Dated: April 26, 2007

2 LAW OFFICE OF JERRY D. ROTHMAN
3 Jerry D. Rothman

4 By: /s/ Jerry D. Rothman
5 JERRY D. ROTHMAN
6 Attorney for Plaintiff Amelia Euceda

7 IT IS SO ORDERED.

8 Dated: 4/30/07

